

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5405
Daniel W. Hynes; Hynes for Senate;)
Apex Healthcare, Inc.; James Chao;)
Charissa Chao; Grace Chao; Philip)
Chao; Dawn Burdelik; Jeffrey Burdelik;)
Kin S. Cheung; Sharon Linares;)
Lawrence Yip; Amy Yuen; Monica)
Fletcher; Douglas Fletcher; Marion)
Steng; Frances Mattivi; Mei Fung Choi)

AMENDED CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission
executive session on February 08, 2005, do hereby certify that the Commission
decided by a vote of 5-0 to take the following actions in MUR 5405:

1. Find reason to believe that Apex Healthcare, Inc., violated 2 U.S.C. §§ 441b(a) and 441f; and James Chao knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.
2. Enter into conciliation with Apex Healthcare, Inc., and James Chao prior to a finding of probable cause to believe, and approve the Conciliation Agreement, as recommended in the General Counsel's Report dated January 14, 2005, subject to the following revisions:
3. Take no action against Daniel Hynes, Hynes for Senate and Jeffrey C. Wagner, as treasurer, with respect to a violation of 2 U.S.C. § 441b(a); find no reason to believe that Daniel Hynes, Hynes for Senate and Jeffrey C. Wagner, as treasurer, violated 2 U.S.C. § 441f; and send the appropriate letter.

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4. Find reason to believe that Hynes for Senate and Jeffrey C. Wagner, as treasurer, violated 2 U.S.C. § 434(b), but take no further action and send an admonishment letter.
5. Take no action against People for Marty Castro and Amalia S. Rioja, Treasurer; Citizens for Mark Shriver and Kristin Gerlach, Treasurer; Bill Nelson for Senate and Peggy Gagnon, Treasurer; except to send a letter notifying them that they received contributions in violation of 2 U.S.C. §§ 441b and 441f and requiring disgorgement once the case is closed.
6. Find reason to believe that Charissa Chao, Grace Chao, Philip Chao, Dawn Burdelik, Jeffrey Burdelik, Kin S. Cheung, Sharon Linares, Lawrence Yip, Amy Yuen, Monica Fletcher, Douglas Fletcher, Marion Steng, Frances Mattivi, and Mei Fung Choi violated 2 U.S.C. § 441f, but take no further action and send an admonishment letter.
7. Approve the appropriate Factual and Legal Analyses, subject to inclusion of knowing and willful findings against James Chao, and any other necessary changes, pursuant to the meeting discussion.
8. Approve the appropriate letters, including letters of admonishment and letters requiring disgorgement.

Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner Smith did not vote.

Attest:

February 10, 2005
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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